

SENATE BILL 2527  
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 28, Chapter 3, Part 1, relative to the time within which certain actions must be commenced.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 28, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) As used in this section, unless the context otherwise requires:

(1) "Child sexual abuse" means any act or offense resulting from an act set out in Tennessee Code Annotated, Section 37-1-602(a)(2)(C), that occurred when the victim was a minor;

(2) "Discovery" means when the injured person becomes aware that the injury or illness was caused by child sexual abuse. "Discovery" that the injury or illness was caused by child sexual abuse shall not be deemed to have occurred solely by virtue of the injured person's awareness, knowledge or memory of the acts of abuse;

(3) "Injury or illness" means either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness; and

(4) "Minor" means a person less than eighteen (18) years of age.

(b) Notwithstanding the provisions of Tennessee Code Annotated, Section 28-3-104, or any other provision of law to the contrary, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor, but

was not discovered until after such person became an adult, shall be brought within three (3) years from the time of discovery of such abuse by the injured person.

(c) A person bringing an action under this section need not establish or prove:

(1) Which act in a series of continuing child sexual abuse incidents caused the injury or illness complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or pattern of child sexual abuse; or

(2) That such person psychologically repressed the memory of the facts upon which the claim is predicated.

(d) In an action brought under this section, the knowledge of a parent or guardian may not be imputed to a minor.

(e) An action under this section may be brought against the alleged perpetrator of the child sexual abuse or against the estate of such alleged perpetrator after the perpetrator's death. Provided, however, if the action is brought more than one (1) year from the date the injured party attains the age of majority, the injured party must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it, and shall apply to all actions pending on such date as well as all actions commenced on or after such date.